

REMARKS

Applicants respectfully request reconsideration of the present application.

I. Disposition of the Claims

Claims 1-66 have been cancelled without prejudice or disclaimer.

Claims 67-81 are new and multiply dependent. The new claims correspond to the elected invention. See cancelled claims 53, 56, 57, and 60. These claims also seem to have been examined. See Office action of May 29, 2007, p. 9.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

II. Priority

The Examiner noted that the present application claims the priority benefit of an earlier-filed foreign application, and that a certified copy to foreign priority application must be in the file. Office action, pp. 2-3. The Examiner has already acknowledged a certified copy of the priority document is in the present file as noted in the Office action of October 6, 2006, p. 1. Applicants are unsure, and wish that the Examiner would clarify this position. Furthermore, please note that this application is a divisional of application No. 09/868,989, which is the national phase of an international application which contained the priority document. See PCT/FR99/03272, filed December 23, 1999. The Examiner is referred to MPEP § 1893.03(c).

III. Information Disclosure Statement

The Examiner noted that documents A6-A9 and A15-A16 were not considered. Office action, p. 3. The Examiner is notified that the present application has a sibling, namely,

application no. 10/619,905 filed July 15, 2003, which claims the benefit of application no. 09/868,989, which is the national stage of PCT/FR99/03272 filed December 23, 1999. The information disclosures in each case are believed parallel in the sense that the information disclosed in the parent is also disclosed in each child and that the information disclosed in each sibling is (or will be) the same. The Examiner is asked to review the parent and/or sibling file wrapper on PAIR if the Examiner deems that such a review is appropriate or needed.

Copies of documents A6-A9 listed in the Information Disclosure Statement filed October 21, 2003, in the present application, were submitted to the PTO in parent application No. 09/868,989, filed 6/22/2001. As provided in 37 CFR § 1.98(d), copies of the documents were not provided since they were previously submitted to the United States Patent and Trademark Office in the above-identified parent application. Courtesy copies of these references are filed herewith for the Examiner's convenience and consideration. These documents are listed on the presently filed SB08. Documents A15-A16 are also listed on the SB08.

As noted on the original SB08, other listed references are counterparts of the foreign references noted in the body of the IDS. The Examiner is asked to consider this information and to indicate so on the record.

IV. 35 U.S.C. § 112, 1st paragraph (written description)

Claims 44-45 are rejected as failing to comply with the written description requirement. Office Action, p. 4. In particular, the Office has urged that there is no written description to support for "unsaponifiable fractions of avocado oil enriched with furan derivatives" and "unsaponifiable fractions of avocado oil enriched with polyhydroxylated fatty alcohol derivatives." Office action, p. 4. The Office's position is that no one has ever analyzed such oils or has any idea what furan derivatives or polyhydroxylated fatty alcohol derivatives are. This cannot be the case.

The extraction of avocado oil from avocados is known. See U.S. patent 4,444,763, April 24, 1984. (Requested that the Examiner consider this reference.)

Nonsaponifiable matter of avocado oil is also known. U.S. patent 5,498,411. (Requested that the Examiner consider.) Indeed, this '411 patent is Rancurel that was relied on by the Examiner in the present Office action. Furthermore, one of the references cited in that file wrapper history is entitled "The Avocado: It's Oil & Nonsaponifiable Matter ... Parfume Cosmetiques, Aromes," 61 Feb.-Mar. 1985, pp. 91-95, English language translation included. Therefore, it is surprising that the Office takes the position that avocado oil components are not within the possession of those skilled in the art when avocado oil has been studied to such an extent. (The Examiner is also referred to U.S. patent No. 5,643,600, issued July 1, 1997.) Thus, the present use of descriptive words is enough for one of ordinary skill in the art to be convinced that the present inventors were in possession of the identified components of the avocado oil. The rejection should be withdrawn.

V. 35 U.S.C. § 112, 2nd paragraph

Claims 44-45 were rejected for reciting the terms "furan derivatives" (Fraction H) and "fatty alcohols" (Fraction I) as rendering the claims indefinite. The present version of the claims does not use these terms, and thus, the present rejection should be withdrawn.

VI. 35 U.S.C. § 102

Claims 41-46, 48-50, 55, 59, and 65 were rejected as being anticipated by Guillon, U.S. Patent No. 4,386,067. Office action, p. 5. The present claims are not in the present application, and thus, the present rejection should be withdrawn. As to the new claims, they are based on claims 53, 56-57, and 60, which have not been rejected for this reason, thus the present claims are believed allowable.

VII. 35 U.S.C. § 103

Claims 47, 53-54, 56-58, and 60 were rejected as obvious over the teachings of Rancurel (U.S. Patent No. 5,498,411), and Guillon (U.S. Patent No. 4,386,067). The Office action states that the method of treatment of scars and the method of cosmetic depilatory treatment only requires an application to the skin and “not ... that the skin has a scar or where the skin is hirsute.” Office Action p. 9. The present version of the claims recites “a scar” (claim 67) or “hirsute skin” (claim 68). Thus, the present version of the claims avoids this rejection, which should be withdrawn.

Conclusion

It is believed that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

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